> born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

When the CC dismissed Plaintiff's Complaint and the COSA affirmed this dismissal of Appellant's Complaint, Petitioner was precluded from defending against Respondent's Contributory Negligence allegation with his available Last Clear Chance defense. A Last Clear Chance defense was used successfully to defend against a Contributory Negligence allegation in Cohen v. Rubin, 55 Md. App. 83, 460 A.2d 1046 (1983). **This Petitioner believes this Court may have overlooked that the CC dismissal of Petitioner's Complaint and the COSA affirmation of that dismissal precluded Petitioner's argument of an available Last Clear Chance defense to a Contributory Negligence allegation similar to the legal theory argued in Cohen v. Rubin successfully. This was a violation of Plaintiff's right as guaranteed by the 14th Amendment to the Constitution since Petitioner has the right of equal protection of the laws.**

Petitioner attempted to put on this Court's Docket a Petition for Common Law Writ of Certiorari to the Court of Appeals of Maryland (hereafter "COA") for Robert B. Campbell, Jr. v. Baltimore Gas and Electric Company,

Petition Docket No. 490, September Term, 2004 (*Appendices MM, PP, SS, TT, & VV* at App. 151, 168, 179, 189, & 192, respectively). See case law concerning Common Law Writs of Certiorari at SB-13 to SB-18. Plaintiff's attempts were all denied by this Court's Clerk in the first instance because the Mercer and Campbell Petitions were not joined in the COA (*Appendices NN, QQ, UU, XX* at App. 159, 175, 190, 203, respectively). However, Petitioner had filed a COA Praecipe (*Appendix YY* at App. 205) and the COA Clerk had circulated a Memorandum among the COA Judges concerning joining these two Petitions and attached to Campbell's COA Petition (*Appendix RR* at App. 177). ***Some COA Docket Entry was made in Mercer v. Thomas and then deleted with correction fluid*** (*Appendix WW* at App. 200). **This Petitioner believes this Court may have overlooked that the COA may have hindered this Court's appellate jurisdiction in Campbell v. BG&E by deleting a docket entry in Mercer v. Thomas. The entry may have stated that these two COA Petitions were joined in the COA. See *Appendix ZZ* at App. 207 attached hereto.**

CONCLUSION

For the reasons stated herein, Petitioner prays this Court grant his petition for rehearing and issue a writ of certiorari to the COA for Mercer v. Thomas. **[Rule 33(1)(d) exclusion of 28 lines (See PFR-1, 3, 4, & 9)]**.

CERTIFICATE OF PETITIONER

This Petition for Rehearing is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. This Petition for Rehearing is made in good faith. This Petition for Rehearing is not for delay.

Gregory Shawn Mercer, pro se
Counsel of Record

APPENDIX ZZ

The following are certified copies of the actual Court of Appeals of Maryland Docket Entries in Gregory Shawn Mercer v. William Aloysious Thomas, III, Petition Docket No. 434, September Term, 2004. Please note the correction fluid under the docket entry for December 2, 2004. Also note that the docket entry for the December 8, 2004 Memorandum Concerning the Joining of Court of Appeals of Maryland Mercer and Campbell Petitions (*Appendix RR* at App. 177) is missing. Had the Mercer and Campbell Petitions been joined by the Court of Appeals, the *In re* Gregory Shawn Mercer, Petitioner (*Appendix TT* at App. 189) Common Law Petition for Certiorari would not have been denied by the Supreme Court Clerk in the first instance. *Did the Court of Appeals of Maryland hinder this Court's appellate jurisdiction by deletion of a docket entry?*

PETITION DOCKET

No. 434, September Term, 20 04

GREGORY SHAWN MERCER

v.

WILLIAM ALOYSIOUS THOMAS, III

Filed: October 27, 2004
F.F. Pd.
(C.C. Prince George's County
Spellbring, J.
#CAL0302711

A True copy:
Test: Alexander L. Cummings, Clerk
Court of Appeals of Maryland
By: Joann A. Davis Deputy Clerk

CSA No. 1713, Sept. Term, 20 03

Opinion filed: 7/28/04 - Unreported

Mandate issued: 10/12/04

Counsel for Petitioner:
Gregory Shawn Mercer
3114 Borge Street
Oakton, Va. 22124

Counsel for Respondent:
Wade J. Gallagher, Esq.
Martell, Donnelly, Grimaldi & Gallagher
9 North Adams Street
Rockville, Md. 20850

Copies to the Court: 12.1.04 6.14.05 - Motion for Recon 2.3.05 - Motion for Reconsideration 3.14.05 - Motion denied 7.18.05 - motion denied

Result: 12.22.04 - Petition & Supplement denied

No. 434

October 28, 2004 - Motion to correct errata in petition for writ of certiorari,

Novemeber 1, 2004 - Corrected petition for writ of certiorari second motion.
November 4, 2004 -Preaecipe filed.

November 12, 2004 - Answer to petition for writ of certiorari.

November 15, 2004 - Answer to Respondent's petition for writ of certiorari.

December 2, 2004 --Praecipe filed

January 21, 2005 - Motion for reconsideration F.F. Pd.

June 2, 2005 - Motion for clarification, Motion for certification that Federal Questio were raised and decided.
F.F. Pd.

A True copy:
Test: Alexander L. Cumm
Court of Appeals
By: Joanne A. Allen Deputy Clerk

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Test: Alexander L. Cummings, Clerk
Court of Appeals of Maryland
By: Joanne A. Allen Deputy Clerk